

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7147

BILL NUMBER: SB 380

DATE PREPARED: Jan 17, 2001

BILL AMENDED:

SUBJECT: Probation for Child Molesting.

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill allows a court to sentence a person or modify the sentence of a person to place the person on probation for life or to order the person to participate in another program that provides supervision of the person for life if the person: (1) is convicted of committing child molesting two or more times; (2) is sentenced to a term of imprisonment and serves at least part of the sentence in a penal facility; and (3) agrees to be placed on probation for life or participate in another court-ordered program that provides supervision of the person for life.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill could allow the Department of Correction (DOC) to release some offenders sentenced for child molestation earlier than under current law and avoid some costs of confinement associated with this type of offender. The specific savings that this bill would allow the Department to realize will depend on the number of offenders who agree to lifetime supervision and the number of courts which might approve this type of arrangement.

Under current law, child molesting can be charged as a Class A, B, or C felony. The following table shows the minimum sentence, presumptive sentence, and the maximum sentence that an offender can receive under current law.

Felony Class	Minimum	Presumptive	Maximum
A	20 years	30 years	50 years
B	6 years	10 years	20 years
C	2 years	4 years	8 years

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

As the following table shows, 1,341 adult offenders were in DOC facilities for child molestation offenses as of January, 2001. The average age of these offenders was 40.5 years.

Felony	A	B	C	Total
Number of Offenders	287	603	451	1,341

Of these, about 12% of the offenders were repeat offenders for child molestation offenses. The average age of these repeat offenders was 39.8 years.

Explanation of State Revenues:

Explanation of Local Expenditures: The following table shows the number of offenders who were sentenced as child molesters and released over the past four years.

<u>Type of Release</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Probation	194	209	178	184
Parole	191	199	191	148
Community Transition Program	0	0	0	4
Discharge	20	23	15	40
Other Release Type	<u>6</u>	<u>4</u>	<u>5</u>	<u>5</u>
Total Releases	<u>411</u>	<u>435</u>	<u>389</u>	<u>381</u>

DOC reports that of the 1,205 offenders released between FY 1998 and FY 2000, 11% were sentenced for multiple child molestation convictions. The average age of these offenders was 35.9 years.

How this bill could affect the caseloads of probation departments and other court-approved programs will depend on the number of offenders who agree to the conditions of an early release in exchange for life supervision and the number of courts which approve of such arrangements. Because of the relatively young age at which offenders are currently being released from DOC facilities (35.9 years), the cumulative number over a 25-year period could be significant if a large number of offenders agree to this arrangement.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, probation departments.

Information Sources: Department of Correction.